

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT W. MAUTHE, M.D., P.C.,  
individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

MILLENNIUM HEALTH LLC,

Defendant.

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CIVIL ACTION NO. 18-1903

**ORDER**

**AND NOW**, this 29th day of May, 2020, after considering the defendant's motion for summary judgment (Doc. No. 61); the plaintiff's response to the defendant's motion (Doc. No. 66); and the defendant's reply to the plaintiff's response (Doc. No. 70); and having heard oral argument from counsel for the parties on December 18, 2019; and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The defendant's motion for summary judgment (Doc. No. 61) is **GRANTED IN PART**. Summary judgment is entered in favor of the defendant and against the plaintiff on Count I of the amended complaint (Doc. No. 29);
2. Count II of the amended complaint (Doc. No. 29) is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1367(c)(3); and
3. The clerk of court is **DIRECTED** to mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.